

REMARKS

Introduction

In response to the Office Action dated June 28, 2007, Applicants have amended the specification and claim 1. Claims 9 and 10 have been added. Support for amended claim 1 is found in, for example, pg. 9, lines 5-14. Support for dependent claim 9 is found in, for example, Fig. 2; pg. 20, lines 2-3. Support for dependent claim 10 is found in, for example, Fig. 3; pg. 10, line 23 – pg. 11, line 5. Care has been taken to avoid the introduction of new matter. In view of the foregoing amendments and the following remarks, Applicants respectfully submit that all pending claims are in condition for allowance.

Claim Rejection Under 35 U.S.C. § 112

Claims 1-8 stand rejected under 35 U.S.C. § 112, second paragraph, as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Office Action states that is unclear what is meant by the reference to “a surface side thereof” and “inner side thereof” when only two layers are claimed for this electrical contact.

Applicants respectfully submit that the rejection is moot in view of the amendment of claim 1, which deleted, “on a surface side thereof” and “on an inner side thereof.”

The Office Action asserts that it is unclear whether the composition of the layers, individually or in totality, meet the claimed composition requirements. The instant specification, including Table 1, clearly teaches that the chemical composition of the first layer and second layer of the claimed two-layer structure is an Ag alloy containing Sn in an amount of from 1 to

9% by weight and Cd in an amount of from 0% to less than 0.01% by weight (*see, e.g.*, pg. 9, lines 19-21; pg. 47, lines 1-12).

The Office Action also asserts that it is unclear whether the claimed “average hardness” is an *average surface hardness*. The phrase “*average surface hardness*” does **not** appear in the instant specification. The phrase “surface average hardness” appears twice in the paragraph starting at pg. 12, line 16. Applicants respectfully submit that the rejection is moot in view of amendment to the specification, which amended all occurrences of “surface average hardness” in the specification to --average hardness--.

The Office Action asserts that it is unclear whether a *specific surface* should be utilized in ascertaining the claimed “average hardness” for each layer. Applicants submit that ascertaining the average hardness would be definite to one of ordinary skill in this art in view of the teaching in the specification that, the “**average hardness**” is confirmed at a plurality of arbitrary points, normally 5 points, on the **contact surface** of each layer, and these values are then arithmetically averaged (*see, e.g.*, pg. 13, lines 4-9).

With respect to claims 3 and 4, the Office Action asserts that it is unclear whether the claimed additional elements refer to additional ingredients of the alloy, of the contact, or both. With respect to claim 3 the claimed amount of In including 1% to 9% by weight in addition to Sn is supported in Tables 1 and 3-8. This amount of In applies to **both** the first and second layers. With respect to claim 4, the specification clearly teaches on pg. 13, line 22-pg. 14, line 14 and pg. 27, lines 5-15 that Sb, Ca, Bi, Ni, Co, Zn, Cu, Mo, W, Ge, Te, Cr, and Pb are **additional components** in both of the two layers.

Accordingly, one having ordinary skill in the art would not have difficulty understanding the scope of the presently claimed invention, particularly when reasonably interpreted in light of

the supporting specification. Therefore, it is respectfully submitted that the imposed rejection under 35 U.S.C. § 112, second paragraph is not legally viable and hence, Applicants solicit withdrawal thereof.

Claim Rejection Under 35 U.S.C. § 102

Claims 1-8 stand rejected under 35 U.S.C. § 102(a) as being anticipated by JP 2003-217375 (hereinafter Uenishi '375). The effective date of Uenishi '375 as a reference is July 31, 2003, whereas the present application claims benefit of a foreign filing based on Japanese Patent Application No. 2003-199389, which has a filing date of July 18, 2003. Accordingly, Uenishi '375 does not qualify as a prior art reference under 35 U.S.C. § 102(a).

In the Office Action mailed June 28, 2007, the Examiner acknowledged receipt of certified copies of the priority documents for the benefit of the foreign filing date. In accordance with 37 C.F.R. § 1.55(a)(4), an English language translation of the Japanese Patent Application is presented concurrently herewith.

Accordingly, the rejections of record are traversed. Favorable reconsideration is requested.

Claim Rejection Under 35 U.S.C. § 103

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Uenishi '375. Submitted concurrently herewith, is a certified English translation of Japanese Application No. 2003-199389. Therefore, Applicants are entitled to the effective filing date of July 18, 2003, which predates the filing date of the Uenishi '375 reference. Applicants submit that the Uenishi '375 reference does not qualify as "prior art" under any of the provisions of 35

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U.S.C. § 102. Accordingly, the rejection under § 103 is not legally viable and should be withdrawn.

New Claims

New claim 9 recites, "...the second layer is formed on the first horizontal surface over the first layer, on the second horizontal surface below the first layer, and on the two vertical surfaces of the first layer." Claims 9 and 10 depend from claim 1 and are allowable for at least the same reasons as claim 1, and further distinguish the claimed electrical contact. Additionally, dependent claim 10 recites patentably distinguishing features of its own.

Conclusion

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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